

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services- Allegations of corruption against Sri V.Venakateswarlu, E.O. (PR&RD), MPDO (FAC), Pedabayalu, Visakhapatnam District – Trapped on 19.1.2006- Case entrusted to TDP- Found guilty on the charge framed against him - Imposing the punishment of dismissal from service- Orders – Issued.

PANCHYAYAT RAJ & RURAL DEVELOPMENT (VIG.III) DEPARTMENT

G.O.MS.No. 14

Dated:11.02.2015

Read the following:

1. From the DG, ACB, Hyderabad Letter C.No.13/RGT-WVP/2006, Dated: 30.1.2006.
2. Memo.No. 1199/Vig.IV/A1/2006-2, Dated: 28.2.2006.
3. From the District Collector, Visakhapatnam District, Memo.Rc.No. 418/2006(A4)/A3, Dated: 20.1.2006.
- 4 From the DG, ACB, Hyderabad, Letter C.No.13/RCT-WVP/2006, S11, Dated: 11.5.2006.
5. Memo.No. 1199/Vig.IV/A1/2006-6, Dated: 5.6.2007.
6. From the Secretary, Tribunal for Disciplinary Proceedings, AP, Hyderabad, letter Dis. S/2/2010, Dated: 12.1.2010.
7. Govt., Memo.No. 1199/Vig.IV/A1/2006-7, Dated: 18.3.2010.
8. Representation from Sri V.Venkateswarlu, former E.O (PR&RD) & MPDO (FAC), Pedabayalu (M), Visakhapatnam District. Dt. 20.5.2010.
9. Memo.No. 1199/Vig.IV/A1/2006-9, Dated: 18.02.2011.
- 10.Memo.No. 1199/Vig.IV/A1/2006-11, Dated:21.05.2013.
- 11.Hon'ble APAT interim orders dt.25.10.2013 in O.A.No.6831/2013 filed by Sri V.Venkateswaru, E.O. (PR&RD) & MPDO (FAC), Pedabayalu, Visakhapatnam District
12. Memo.No. 1199/Vig.IV/A1/2006-12, Dated: 1.11.2013.
- 13.Representation from Sri V.Venkateswaru, E.O. (PR&RD) & MPDO (FAC), Pedabayalu, Visakhapatnam District, dt.3.12.2013.

ORDER:

In the reference 1st read above, the DG, ACB, Hyderabad has informed that Sri V.Venkateswarlu, E.O (PR&RD) and MPDO (FAC), Pedabayalu, Visakhapatnam District was trapped on 19.1.2006 for demanding bribe an amount of Rs.1,000/- from the complainant for doing official favour of drawing duty period salary of complainant issue of Last Pay Certificate and Service Registrar. He arrested and produced before the III Addl. District & Sessions Judge cum Special Judge for ACB cases, Vishakhapatnam District. The Court granted on bail on 21.1.2006 and requested to take action against accused officer as per APCS (CCA) Rules, 1991. Accordingly, the Commissioner, PR &RE, Hyderabad was requested to take necessary action in the matter in the reference 2nd read above.

2. In the reference 3rd read above, the District Collector, Visakhapatnam District has placed under suspension the Accused Officer Sri V.Venkateswarlu, E.O (PR&RD) and MPDO (FAC), Pedabayalu, Visakhapatnam District from the date of detention.

P.T.O.

3. In the reference 4th read above, the DG, ACB, Hyderabad in his final report has recommended to prosecute the A.O i.e., Sri V.Venkateswarlu, E.O (PR&RD) and MPDO (FAC), Pedabayalu, Visakhapatnam District.

4. After examining the final report of DG, ACB, Hyderabad, Government have decided to entrust the case of Sri V.Venkateswarlu, E.O (PR&RD) and MPDO (FAC), Pedabayalu, Visakhapatnam District for Tribunal for Disciplinary Proceedings. Accordingly, the Secretary, TDP, Hyderabad has been requested in the reference 5th cited to conduct enquiry as per rules in force and submit report in the matter to Government.

5. In the reference 6th read above, the Secretary, TDP, Hyderabad has submitted the report in TEC.No.31/2007 stating that the charge framed against the charged officer i.e., Sri V.Venkateswarlu, E.O (PR&RD) and MPDO (FAC), Pedabayalu, Visakhapatnam District is proved and found the accused officer guilty of the charge framed against him.

6. In the reference 7th read above, the TDP report in TEC.No.31/2007 has been communicated to the charged officer Sri Vadalamanu Venkateswarlu, E.O (PR&RD) and MPDO (FAC), Pedabayalu, Visakhapatnam District for calling his representation on the findings of the TDP in their report in TEC.No.31/2007.

7. In the reference 8th read above, Sri V.Venkateswarlu, E.O (PR&RD) and MPDO (FAC), Pedabayalu, Visakhapatnam District has submitted his representation requesting to furnish to the deposition copies of the seven witnesses and one defences witnesses for submission of his explanations on the findings of the d TDP report as his Advocate misplaced his entire file due to shifting of his Office. In the reference 9th read above, Government has informed that to approach the TDP for securing seven prosecution witnesses and one defence witnesses for submission of his explanation.

8. In the reference 10th read above, the Commissioner, PR &RE, Hyderabad has been requested to obtain and furnish the representation of Sri V.Venkateswarlu, E.O (PR&RD) and MPDO (FAC), Pedabayalu, Visakhapatnam District on the findings of the TDP report within one (1) week from the receipt of Govt .memo.

9. In the meanwhile the charged officer filed an appeal before APAT. and the Hon'ble APAT, in the reference 11th read above, in its interim orders dated 25.10.2013 in O.A.No.6831/2013 has directed that pending disposal of O.A. the respondents are directed not to proceed further in the disciplinary case in pursuance of TEC No.31/2007 till the depositions of PWs. 1 to 7 and DW.1 in TEC.No.31/2007 are supplied to him. Further, the applicant is directed to submit his explanation within two weeks from the date of receipt of the above depositions and on receipt of such explanation, the respondents are at liberty to proceed with the disciplinary proceedings.

10. Accordingly, the Government in its memo. 12th read above, have communicated copies of depositions of P.Ws. 1 to 7 and D.W.1 to the applicant through CPR&RE, with a direction to submit his explanation to the TDP. Report within (2) weeks as ordered by the Hon'ble Tribunal for taking further necessary action in the matter.

11. In the reference 13th read above Sri V.Venkateswarlu, E.O.(PR) /Charged Officer has represented that to disagree with the findings of the TDP. and exonerate him from the charge on the following grounds :-

- I) The P.W. (1) i.e., Complainant has deposed before the TDP that the Bheemili is away by 185 k.ms. from Peddabayalu. On 1.12.2005 he attended the Office at Bhemili and marked attendance Register in this record. On 16.01.2006 he attended to the Office at Bhemili and marked attendance Register in this record. The MPDO, Bhemili also certified that no leave or permission granted to the Complainant on 1.12.2005 and 16.01.2006.

Hence it is proved beyond doubt there is no scope for demand of illegal gratification on 1.12.2005 and 16.01.2006.

The Junior Assistant with whom the complaint said to have met on 16.01.2006 is also false, as the junior assistant was on leave 12.1.2006 and 16.01.2006 and not available in the station.

- II) (a) P.W.(5) i.e., Mediator independent witness has deposed that at the stage of Ex.P.11 (Mediator Report) the charged officer gave a version that he neither demanded nor accepted money from P.W.(1) and P.W.(1) came to him and tried to offer some amount to him and refused to receive the same on that he tried to keep the money to his shirt pocket, he pushed P.W.(1) and then the P.W.(1) kept money underneath plank on the table and went away. In the meanwhile the ACB Police arrived.
- (b) P.W.(6) i.e., the DSP, ACB deposed in cross examination that it is true that the CO when confronted soon after the trap denied of having demand or receiving bribe amount and there upon P.W.(1) tried to forcibly thrust the money in his hands and in his pocket when he refused P.W.(1) put the money underneath plank on the table.
- (c) The P.W.(1) has deposed during the cross examination that the CO refused to accept money when he offered and also refused the money when he kept in his shirt Pocket.

Hence it is proved beyond doubt that the mediator witness only recovery of money underneath plank on the table and not of demand or accepting money on 19.01.2006. This statement alone made it evident that the prosecution has not disclosed the genesis of the case correctly. Hence the finding of the TDP that the CO demanded on 1.12.2005, 16.01.2006 and 19.01.2006 and accepted the bribe amount of Rs.1000/- on 19.01.2006 is contrary to the evidence on record

::4::

12. Government have considered the pleas of the Charged Officer in his representation with reference to records and the findings of the TDP., and observed that the Tribunal for Disciplinary Proceedings in its report dt.11.01.2010 has observed that the though P.W.(1) handed over Ex.P.1 to the CO on 1.12.2012 itself for sending the LPC and SR, the CO kept it pending till 19.01.2006. Though the CO contents that he handed over the charge of the post MPDO to PW (4) on 17.01.2006, it is not at all necessary to the CO to keep the file relating to the P.W.1 in his custody till 19.01.2006. The file was seized by the DSP from his custody. Hence, it shows that the CO employed delay tactics and caused delay in performing his official duty and he received bribe of Rs.1000/- for attending the work which will attracts Rule 3 of A.P.C.S (Conduct Rules). The Government employee shall not accept any money other than his salary. Therefore it is held that charge against the Charged Officer is proved and his guilty of charge framed against him. In view of the above Government felt that the representation of the C.O. is not convincing and hence rejected.

13. Government after careful examination of matter in detail, keeping in view of the findings of the TDP report and representation submitted by the Accused Officer thereon and have decided to impose the major Punishment of dismissal from service against Sri V.Venkateswarlu, E.O (PR&RD) and MPDO (FAC), Pedabayalu, Visakhapatnam District, under Rule 9 of APCS (CCA) Rules, 1991 as the charge framed against him is proved and he is guilty of the charge framed against him. Accordingly, hereby order to impose the major punishment of dismissal from service against Sri V.Venkateswarlu, E.O (PR&RD) and MPDO (FAC), Pedabayalu, Visakhapatnam District with immediate effect.

14. The Commissioner, Panchayat Raj & Rural Employment, A.P., Hyderabad is therefore requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.K.S.JAWAHAR REDDY,
SECRETARY TO GOVERNMENT (PR)

To
Sri V.Venkateswarlu, E.O (PR&RD) and MPDO (FAC), Pedabayalu, Visakhapatnam District through the Commissioner, PR &RE, Hyderabad
The Commissioner, Panchayat Raj & Rural Employment, A.P., Hyderabad.
The Director General, Anti-Corruption- Bureau, A.P., Hyderabad.
The Chief Executive Officer, ZPP, Visakhapatnam district.
The DPO, Visakhapatnam District

Copy to:

The P.S. to Secretary to APVC, Hyderabad.
The District Treasury Officer, Visakhapatnam district.
The Accountant General, Hyderabad .

//FORWARDED::BY ORDER//

SECTION OFFICER